

Rev'd for P.C.
10-11-91

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Amendment of the Table of)
Frequency Allocations and)
Part 22 of the Rules Relative)
to the Allocation of Reserve)
Spectrum for a Common Carrier)
Acknowledgement Paging Service)

File No.

PP-35-

ET 92-100

REQUEST FOR PIONEER'S PREFERENCE

Dial Page, L.P. ("Dial Page"), by its attorneys and pursuant to Rule Section 1.402, requests a Pioneer's Preference in connection with its Petition for Rulemaking ("Petition") for the allocation of a portion of the reserve spectrum in the 930-931 MHz band for a common carrier Acknowledgement Paging Service ("AP"). Dial Page is filing concurrently herewith an application for an experimental license for AP service. In support of this request, Dial Page respectfully shows the following:

I. Introduction.

1. Dial Page is a South Carolina limited partnership and a long-term Commission licensee of Public Mobile Service facilities located throughout the states of Florida, Georgia, Virginia, North Carolina, South Carolina, and Tennessee.

2. Dial Page provides paging service to approximately 180,000 subscribers through the southeast portion of the United

States. Dial Page offers its subscribers a variety of paging services on a local and regional basis.

3. As a provider of communication services, Dial Page is in a good position to assess and meet the needs of its paging subscribers. Dial Page submits that AP is a new service that will greatly enhance traditional paging services. Dial Page has the technical background, the financial resources, and the practical experience to develop and implement AP service.

II. Eligibility Requirements for a Pioneer's Preference.

4. Section 1.402 of the Commission's Rules, 47 C.F.R. 1.402, sets forth the eligibility requirements for a pioneer's preference:

- (1) the applicant must request an allocation of spectrum for the new service or for the service that will substantially enhance an existing service;
- (2) the preference request must contain information regarding the frequencies it proposes to use, the geographic area, and how existing licensing should or should not apply;
- (3) the applicant must demonstrate that it has developed the new service or technology, has brought out the capabilities or possibilities of the technology or service, or has brought them a more advanced or effective state; and

(4) the applicant must demonstrate the technical feasibility of the proposal.

A. Concurrent Request for Allocation of Spectrum.

5. An entity that seeks a Pioneer's Preference must also file a request for an allocation of spectrum for its proposed service. Concurrent with this request for a Pioneer's Preference, Dial Page has filed a Petition for Rulemaking requesting allocation of spectrum for Acknowledgement Paging. In its Petition, Dial Page proposes that three channels in 1 MHz of spectrum between 930-931 MHz be allocated to AP service. Dial Page submits that this band was reserved by the Commission for this use - to facilitate and promote advanced technology paging systems.

B. Acknowledgement Paging Service.

6. The Commission, at its discretion, grants a Pioneer's Preference to an entity that demonstrates that it has developed an innovative proposal that leads to the establishment of a new service or enhances an existing service. AP is a new advanced paging service that also enhances existing paging services.

7. AP allows a pager user to immediately acknowledge receipt of a page without the need to make a telephone call. AP service will permit the user to acknowledge receipt of a page by either the touch of a button on the unit or by an automatic mechanism in the unit that sends a message of receipt. If a user does not acknowledge receipt of a page, the user will be continually paged. Thus, AP reduces call backs, allows the user

to reply immediately, and gives the sender verification that the page was received. A detailed description of Dial Page's proposed AP service is contained in the Petition for Rulemaking filed simultaneously herewith and Exhibit 2 attached hereto illustrates how AP will function. AP is a brand new innovative service not in use anywhere in the United States nor to Dial Page's knowledge, in the world.

8. AP enhances traditional paging services. The AP service will utilize existing paging frequencies for the outgoing page and the new frequency for the receipt acknowledgement. Thus, AP is used in conjunction with existing paging service. It does not make any paging service obsolete. Rather, AP makes traditional paging services more valuable by adding a measure of insurance that a page was actually received. As traditional paging services are becoming more complex by providing a user with more detailed information transmissions, AP will become more important to assure a user that the message was actually transmitted. Thus, AP enhances existing paging services.

C. Spectrum Allocation

9. Dial Page proposes that three channels of the 40 channels in 1 MHz of spectrum between 930-931 MHz be allocated to AP service. Dial Page submits that AP service is a service for which the Commission specifically reserved this spectrum.^{1/}

^{1/} Amendment of Parts 2 and 22 of the Commission's Rules to Allocate Spectrum in the 928-941 MHz Band and to establish
(continued...)

D. Technical Feasibility.

10. The provision of AP service is technically feasible. Dial Page has preliminarily submitted its proposal to equipment manufacturers. The equipment manufacturers have assured Dial Page that the technology necessary for AP service exists today. While there may be marginal costs associated with the equipment design and development, it is possible to manufacture the equipment now.

11. AP service will utilize existing paging frequencies for the outgoing page and the newly allocated frequencies to acknowledge receipt of the page. The paging unit will be approximately the same size as those units manufactured today. Acknowledgement messages will be transmitted in short bursts of high speed data using low-powered transmitters built into the pager (e.g. 2 Watts). The transmitter channel bandwidth will be standard 25 KHz. AP service receiving unity will be deployed in a three mile radius, each covering a 25 square mile area.

E. Geographic Area.

12. Dial Page proposes that AP be licensed as a regional service. As a regional service, subscribers can be paged as they travel from one service area to another with just one call. There is a growing demand for regional service as evidenced by a market study conducted by Dial Page. The study concluded that

¹/ (...continued)

other Rules, Policies, and Procedures for One-Way Paging Status in the Domestic Public Land Mobile Radio Service, 89 F.C.C. 2d 1337 (1982).

80 percent of the businesses interviewed have employees that travel approximately 300 miles away from the home office. Thus, Dial Page proposes three geographic regions: a Pacific Region, a Midwest Region, and an Atlantic Region. These regions are detailed in Dial Page's Petition for Rulemaking attached as Exhibit 1.

F. Licensing Standards.

13. As part of this proposal, Dial Page submits that three carriers be licensed per region to facilitate competition. With three carriers in a region, no one carrier will have significant market power. Thus, licensees should be regulated as non-dominant carriers.


14. Dial Page proposes that the licenses be awarded by random selection to expedite the provision of AP service to the public. However, applicants must be pre-screened to ensure that they are financially, technically, and legally qualified to be a Commission licensee. As to other aspects of licensing for AP service, Part 22 of the Commission's Rules should apply with minor modifications, if necessary, to support AP service. At this time, Dial Page is not aware of any rules that might conflict with this proposal.

III. Conclusion.

15. Dial Page meets all of the requirements for a Pioneer's Preference. It has submitted an innovative and technically feasible proposal for the provision of AP service which clearly enhances traditional paging services and thus, benefits the public. And, as required by Section 1.402 of the Commission's Rules, Dial Page has specified the frequencies required for its proposed service, the geographic scope of the service, and proposed licensing standards. For the foregoing reasons, Dial Page respectfully requests that the Commission grant it a Pioneer's Preference simultaneously with its rulemaking proceeding to allocate spectrum and adopt rules for Acknowledgement Paging.

Respectfully submitted,

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